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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No.

2010-487

12 **LINDA L. CAMP aka LINDA L. ROMAN**
13 **(formerly known as LINDA L. DRAPER)**
1937 El Cielo Lane
14 Escondido, CA 92026

A C C U S A T I O N

15 **Registered Nurse License No. 301141**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about March 31, 1979, the Board of Registered Nursing issued Registered
24 Nurse License Number 301141 to Linda L. Draper, now known as Linda L. Camp (Respondent).
25 The Registered Nurse License was in full force and effect at all times relevant to the charges
26 brought herein and will expire on March 31, 2011, unless renewed.

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28 ///

1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Registered Nursing (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
6 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
7 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
8 Nursing Practice Act.

9 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
10 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
11 licensee or to render a decision imposing discipline on the license.

12 **STATUTORY AND REGULATORY PROVISIONS**

13 6. Section 2761 of the Code states:

14 The board may take disciplinary action against a certified or licensed nurse
15 or deny an application for a certificate or license for any of the following:

16 (a) Unprofessional conduct, which includes, but is not limited to, the
17 following:

18 ...

19 (f) Conviction of a felony or of any offense substantially related to the
20 qualifications, functions, and duties of a registered nurse, in which event the record
21 of the conviction shall be conclusive evidence thereof.

22

23 7. Section 2762 of the Code states:

24 In addition to other acts constituting unprofessional conduct within the
25 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
26 person licensed under this chapter to do any of the following:

27 ...

28 (b) Use any controlled substance as defined in Division 10 (commencing with
Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
device as defined in Section 4022, or alcoholic beverages, to an extent or in a
manner dangerous or injurious to himself or herself, any other person, or the public
or to the extent that such use impairs his or her ability to conduct with safety to the
public the practice authorized by his or her license.

1 (c) Be convicted of a criminal offense involving the prescription,
2 consumption, or self-administration of any of the substances described in
3 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
4 record pertaining to, the substances described in subdivision (a) of this section, in
5 which event the record of the conviction is conclusive evidence thereof.

6 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or
7 revoke a license on the ground that the licensee has been convicted of a crime substantially
8 related to the qualifications, functions, or duties of the business or profession for which the
9 license was issued.

10 9. California Code of Regulations, title 16, section 1444, states:

11 A conviction or act shall be considered to be substantially related to the
12 qualifications, functions or duties of a registered nurse if to a substantial degree it
13 evidences the present or potential unfitness of a registered nurse to practice in a
14 manner consistent with the public health, safety, or welfare....

15 10. Section 493 of the Code states:

16 Notwithstanding any other provision of law, in a proceeding conducted by a
17 board within the department pursuant to law to deny an application for a license or
18 to suspend or revoke a license or otherwise take disciplinary action against a person
19 who holds a license, upon the ground that the applicant or the licensee has been
20 convicted of a crime substantially related to the qualifications, functions, and duties
21 of the licensee in question, the record of conviction of the crime shall be conclusive
22 evidence of the fact that the conviction occurred, but only of that fact, and the board
23 may inquire into the circumstances surrounding the commission of the crime in
24 order to fix the degree of discipline or to determine if the conviction is substantially
25 related to the qualifications, functions, and duties of the licensee in question.

26 As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
27 'registration.'

28 11. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to
evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation
furnished by the applicant or licensee."

12. California Code of Regulations, title 16, section 1445(b), states:

(b) When considering the suspension or revocation of a license on the
grounds that a registered nurse has been convicted of a crime, the board, in
evaluating the rehabilitation of such person and his/her eligibility for a license will
consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.

COST RECOVERY

13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(July 29, 2008 Conviction of DUI on May 15, 2008)

14. Respondent is subject to disciplinary action under Code sections 490, 2761(f) and 2762(c) for conviction of a crime involving the consumption of alcoholic beverages and that is substantially related to the qualifications, functions and duties of a registered nurse in that in *People of the State of California v. Linda L. Roman*, San Diego Superior Court, North County Division, Case No. 246347, Respondent was convicted on her guilty plea of violating Vehicle Code section 23152(a), driving under the influence of alcohol, a misdemeanor.

15. The circumstances that led to this conviction are that on May 15, 2008 at about 2349 hours, officers of the Escondido Police Department observed Respondent traveling at erratic speeds of between 40 mph to 80 mph on northbound Interstate 5 around Carmel Mountain Road. Respondent's vehicle was swerving back and forth from the #2 lane to the #3 lane. The officers continued to follow the vehicle to Cranston Drive in Escondido where Respondent attempted to park her vehicle but struck the curb and then backed into a parked vehicle. Officer C. from the San Diego Police Department arrived at the scene and made contact with Respondent. While speaking with Respondent, Officer C. observed that her eyes were bloodshot, red and watery and

1 smelled the odor of alcohol coming from Respondent. Officer C. administered a field sobriety
2 test, which she failed. Respondent was then arrested and taken to the Escondido Police
3 Department where she elected to undergo a breath test. Officer C. administered the test with
4 results of 0.17% and 0.16% blood alcohol content.

5 16. As a result of her conviction, Respondent was sentenced to 5 years probation;
6 committed to the Sheriff's custody for 1 day; ordered to pay \$2,100 in fines and fees; ordered to
7 complete 3 days of community service; and ordered to enroll in, and complete, a First Conviction
8 Program and a MADD presentation.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct-Use of Alcoholic Beverages to a Dangerous Extent)**

11 17. Respondent is subject to disciplinary action under Code section 2762(b) for
12 unprofessional conduct in that she used alcohol beverages to an extent or in a manner that was
13 dangerous to herself and the public when on March 15, 2008, Respondent was driving under the
14 influence of alcohol such that she was traveling at erratic speeds on the freeway, was swerving
15 from lane to lane, and backed into another vehicle as she attempted to park her car, as set forth in
16 paragraph 15 above and incorporated by this reference as though set forth in full herein.

17 **DISCIPLINE CONSIDERATIONS**

18 18. To determine the degree of discipline, if any, to be imposed on Respondent,
19 Complainant alleges that on or about July 3, 1981, in a prior disciplinary action entitled *In the*
20 *Matter of the Accusation Against Linda L. Roman (formerly Linda L. Draper)* before the Board of
21 Registered Nursing, in Case Number No. 81-52, Respondent's license was revoked, revocation
22 stayed 5 years on terms and condition pursuant to a Stipulated Settlement. The circumstances
23 that led to the disciplinary action were that while Respondent was employed as a registered nurse
24 at a hospital, she withdrew multiple doses of Demerol, a controlled substance and dangerous
25 drug, failed to record its administration to patients in the hospital records and administered
26 Demerol to herself. That decision became effective on July 3, 1981. On April 15, 1983,
27 Respondent petitioned to terminate her probation based upon her compliance with the terms and
28 conditions of her probation and her successful employment as a registered nurse. On May 18,

1 1983, the Board granted her petition to terminate her probation and ordered that her license to act
2 as a registered nurse in California be fully restored.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 301141, issued to Linda
7 L. Camp aka Linda L. Roman.

8 2. Ordering Linda L. Camp aka Linda L. Roman to pay the Board of Registered Nursing
9 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
10 Professions Code section 125.3;

11 3. Taking such other and further action as deemed necessary and proper.
12
13

14 DATED: 4/1/10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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BEFORE THE BOARD OF REGISTERED NURSING

DEPARTMENT OF CONSUMER AFFAIRS

STATE OF CALIFORNIA

In the Matter of the Petition for)
Reduction of Penalty of:)

LINDA L. ROMAN, R.N.)

Petitioner.)

NO. L-29432

DECISION

This matter came on regularly for hearing before a quorum of the Board of Registered Nursing of the State of California, at Los Angeles, California on April 15, 1983. John A. Willd, Administrative Law Judge of the Office of Administrative Hearings, presided. Holly Wilkens, Deputy Attorney General, appeared on behalf of the Attorney General. The petitioner appeared in person on her own behalf. Oral and documentary evidence having been received and the matter submitted, the Board now makes the following findings of fact:

I

Pursuant to a stipulation entered into in April, 1981, in proceeding number 81-52 petitioner's license was revoked, petitioner was placed on probation to the Board for a period of five years upon certain terms and conditions. Petitioner was charged with mischarting Demerol and administering Demerol to herself. This same conduct also resulted in a criminal proceeding being filed against respondent. She did entered a plea to the criminal charges and she was placed on three years probation effective May, 1981.

II

Petitioner has requested that her probation be terminated. For the past two years petitioner has been successfully employed and she has been in compliance with all of the terms and conditions of her probation. Petitioner desires to terminate her probation for the reasons that she may be offered a more responsible assignment where she would not be able to work under the supervision of another nurse. In addition petitioner does have a real opportunity to obtain new employment and it is her opinion that her probationary status would be a negative factor in the mind of any prospective employer.

III.

It is petitioner's position that her past misconduct took place only for a very limited time and was simply an inappropriate answer to some critical events which were taking place in petitioner's life. Since these events petitioner has managed to change her associates and her life. She is now happily married and there is one child of this marriage. It is petitioner's opinion that she was never addicted to drugs but in any event she offers every assurance that she will never again experience any problem with drugs.

* * * * *

Pursuant to the foregoing findings of fact, the Board makes the following determination of issues

Petitioner has established that she has become rehabilitated to that degree so that it would not be contrary to the public interest to terminate petitioner's probation at this time.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The petition of Linda L. Roman for termination of her probation is hereby granted, and her license to act as a registered nurse in the State of California is hereby fully restored.

This Decision shall become effective April 15, 1983.

IT IS SO ORDERED May 18, 1983.

BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By DeVerne Bulluck
DEVERNE BULLUCK
Vice President

JAW:mh

1 GEORGE DEUKMEJIAN, Attorney General
2 RUSSELL W. LEE,
3 Deputy Attorney General
4 3580 Wilshire Boulevard
5 Los Angeles, California 90010
6 Telephone: (213) 736-2307
7
8 Attorneys for Complainant
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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation)
12 Against:)

NO. 81-52

13 LINDA L. ROMAN, R.N.)
14 (formerly LINDA L. DRAPER, R.N.))
15 600 1/2 Dos Robles Place)
16 Alhambra, California 91801)
17 License No. B 301141,)
18 Respondent)

ORDER ADOPTING STIPULATION

18 The attached document designated as Stipulation for Settlement is
19 hereby accepted and adopted by the Board and shall constitute the decision of
20 the Board in this matter.

21 This order adopting the Stipulation shall become effective July 3,
22 1981.

23 DATED: June 2, 1981.

24
25 

26 President
27 BOARD OF REGISTERED NURSING
STATE OF CALIFORNIA

1. GEORGE DEUKMEJIAN, Attorney General
2. RUSSELL W. LEE,
3. Deputy Attorney General
4. 3580 Wilshire Boulevard
5. Los Angeles, California 90010
6. Telephone: (213) 736-2307

7. Attorneys for Complainant

8. BEFORE THE
9. BOARD OF REGISTERED NURSING
10. DEPARTMENT OF CONSUMER AFFAIRS
11. STATE OF CALIFORNIA

11. In the Matter of the Accusation)	NO. <u>81-52</u>
12. Against:)	
13. LINDA L. ROMAN, R.N.)	STIPULATION FOR
14. (formerly LINDA L. DRAPER, R.N.))	SETTLEMENT
15. 600 1/2 Dos Robles Place)	
16. Alhambra, California 91801)	
17. License No. B301141,)	
18. Respondent.)	

18. IT IS HEREBY STIPULATED AND AGREED by and between the
19. parties to the above entitled matter that the foregoing
20. allegations are true:

21. 1. That Barbara M. Brusstar, R.N., complainant
22. herein, Executive Secretary of the Board of Registered Nursing
23. of the Department of Consumer Affairs of the State of
24. California, is represented herein by George Deukmejian,
25. Attorney General of the State of California, by Russell W. Lee,
26. Deputy Attorney General.

27. /
1.

2. That Linda L. Roman, R.N., formerly Linda L. Draper, R.N., has carefully read and scrutinized the provisions contained in this stipulation and fully understands the provisions contained in this stipulation and their effect.

3. That respondent has received and read the accusation which is presently on file and pending in case number 81-52 before the Board of Registered Nursing of the Department of Consumer Affairs of the State of California.

4. That the respondent understands the nature of the charges alleged in the above mentioned accusation and that said charges and allegations would constitute cause for imposing discipline upon the respondent's registered nursing certificate heretofore issued by the Board of Registered Nursing.

5. That the respondent is aware of each of respondent's rights, including the right to a hearing on the charges and allegations; respondent's right to confront and cross-examine witnesses who would testify against her; respondent's right to present evidence in her favor or to call witnesses in her behalf, or to so testify herself; respondent's right to contest the charges and allegations and any other rights which may be accorded her pursuant to the California Administrative Procedure Act (Gov. Code, § 11500 et seq.); her right to reconsideration, appeal to superior court and to any other or further appeal; that respondent understands that in signing this stipulation rather than contesting the accusation, she is enabling the Board of Registered Nursing to revoke her license, which was heretofore issued by the Board of Registered

1 Nursing, upon this stipulation without further process.

2 6. That respondent fully and voluntarily waives each
3 and every one of the rights set forth hereinabove; that
4 respondent rather than contesting the charges in the accusation
5 presently on file at a formal hearing, for the purposes of the
6 instant proceeding before the Board of Registered Nursing,
7 only, admits and stipulates to the truth and accuracy of each
8 and every one of the allegations and charges enumerated in
9 paragraphs 1 through and including 17, subparagraph E on pages
10 1 through and including page 7 of the said accusation.

11 7. That the Board of Registered Nursing has the
12 authority to take disciplinary action against respondent's
13 license pursuant to section 2750, 2759, 2761 and 2762 of the
14 Business and Professions Code.

15 8. That based upon all of the foregoing admissions,
16 stipulations, and recitals it is stipulated and agreed that the
17 Board of Registered Nursing may issue a decision upon this
18 stipulation whereby:

19 A. Registered nursing certificate number B301141
20 heretofore issued to respondent Linda L. Roman (formerly
21 Linda L. Draper) is hereby revoked; provided, however, said
22 revocation is stayed for a period of five (5) years on the
23 following conditions:

24 (1) Respondent shall obey all laws of the United
25 States, State of California, and its political
26 subdivisions, and all rules, regulations and laws
27 pertaining to the practice of nursing in this state.

(2) Respondent shall fully and completely comply with the probation program established by the board and cooperate with representatives of the board.

(3) In the event respondent should leave California to reside or practice outside of the state, respondent must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside the State of California will not apply to the reduction of this probationary period.

(4) Respondent during the period of probation shall report in person to such meetings of the Board of Registered Nursing, or its designated representatives, as directed.

(5) Respondent, during the period of probation, shall submit such written reports and verification of actions as are required by the Board.

(6) Respondent, if she be employed in nursing at any time during the period of probation shall have her employer submit to the board, verification that the employer understands the conditions of probation. Respondent may not work for a nurse's registry.

(7) Respondent shall be employed as an R.N. only in a setting in which full supervision is provided, and may not function as a supervisor. Prior approval of any employer must be obtained from the Board.

(8) If not employed in nursing, respondent shall not resume the practice of nursing in the State of

California until such time as respondent submits to the Board satisfactory evidence in writing from her attending physician that respondent is both physically and mentally capable of performing her professional duties as a registered nurse. Respondent shall insure that her attending physician knows the decision of the Board in this case and that the attending physician shall make reference thereto in the written statement to the Board. If medically determined, a recommended treatment program will be instituted and followed by respondent with the physician providing written reports to the Board when requested.

If employed in nursing, respondent shall, within 45 days of the effective date of the decision of the Board, submit to the Board satisfactory evidence that she has had a medical examination from a licensed physician. Respondent shall insure the physician knows the decision of the Board in this case and that the physician make reference thereto in his written statement to the Board. If medically determined, a recommended treatment program will be instituted and followed by the respondent with the physician providing written reports to the Board when requested.

(9) Respondent shall participate in an ongoing program of rehabilitative counseling approved by the board until such time as the Board releases her from treatment. Written progress reports from the

therapist shall be required
when requested by the Board.

(10) Respondent, at any time during the period of probation shall fully cooperate with the Board of Registered Nursing or any of its agents or employees, in their supervision and investigation of her compliance with the terms and conditions of this probation; and shall, when requested, submit to such tests and samples as the Board or its agents or employees may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or controlled substances.

(11) Respondent shall completely abstain from the personal use of narcotics, hypnotics, controlled substances or dangerous drugs, in any form, except when the same are lawfully prescribed.

B. Should the Board of Registered Nursing, after notice to respondent and an opportunity to be heard, determine that respondent has, during the period of probation, violated any term or condition herein imposed, said board may reimpose revocation or make such other or further order as it may then deem just and reasonable in the exercise of its discretion. Proceedings to reimpose revocation or make any other disciplinary order with respect thereto shall be initiated within the period of probation or within one year after the termination thereof, otherwise the stay will become permanent.

1. 9. That the within stipulation shall be subject to
2 the approval of the Board of Registered Nursing. If the board
3 fails to approve this stipulation, it shall be of no force or
4 effect for either party.
5

6 GEORGE DEUKMEJIAN, Attorney General
7 RUSSELL W. LEE,
8 Deputy Attorney General

9 DATED: 4-10-81

Russell W. Lee

RUSSELL W. LEE

Deputy Attorney General

Attorneys for Complainant

13 I have read the above document and I agree to the
14 above stipulation for settlement.
15

16 DATED: 4-7-81

Linda L. Roman

LINDA L. ROMAN

(formerly LINDA L. DRAPER)
Respondent

RWL:jmm

03579110-

LA80AD1680

9536B

1. GEORGE DEUKMEJIAN, Attorney General
2. RUSSELL W. LEE,
3. Deputy Attorney General
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6. Telephone: (213) 736-2307
7.
8. Attorneys for Complainant
9.

10. BEFORE THE
11. BOARD OF REGISTERED NURSING
12. DEPARTMENT OF CONSUMER AFFAIRS
13. STATE OF CALIFORNIA
14.

15. In the Matter of the Accusation) NO. 81-52
16. Against:)
17.) ACCUSATION
18. LINDA L. DRAPER, R.N.)
19. 1750 Grevelia #9)
20. South Pasadena, California)
21.)
22. License No. B 301141)
23.)
24. Respondent.)
25.)
26.)
27.)

17. COMES NOW complainant, Barbara Brusstar, R.N., who, as
18. cause for disciplinary action against the above named
19. respondent, charges and alleges as follows:

20. 1. She is the Executive Secretary of the Board of
21. Registered Nursing of the State of California (hereinafter
22. referred to as the "board"), and makes and files this
23. accusation solely in her official capacity.

24. 2. On or about March 31, 1979 the board issued to
25. Linda L. Draper, R.N., (hereinafter referred to as
26. "respondent"), certificate number B 301141 as a registered
27. nurse in the State of California. Said certificate is

1 currently, and was at all times mentioned herein, in full force
2 and effect.

3 3. Sections 2750 and 2759 of the Business and
4 Professions Code (hereinafter referred to as the "code")
5 provide that the board may suspend or revoke the license of, or
6 otherwise take disciplinary action against, a licensed
7 registered nurse.

8 4. Section 2761, subdivision (a), of the code
9 provides that the board may take disciplinary action against a
10 licensed registered nurse for unprofessional conduct.
11 Section 2761, subdivision (a)(1) provides further that
12 unprofessional conduct includes, but is not limited to,
13 incompetence or gross negligence in carrying out usual nursing
14 functions.

15 5. Section 2762, subdivision (a), of the code
16 provides that it is unprofessional conduct for a licensee to
17 obtain or possess in violation of law, or prescribe, or except
18 as directed by a licensed physician and surgeon, dentist or
19 podiatrist administer to herself or furnish or administer to
20 another, any narcotic as defined in section 11000 et seq. of
21 the Health and Safety Code, or dangerous drug as defined in
22 section 4210 et seq. of the code.

23 6. Section 2762, subdivision (b), of the code
24 provides that it is unprofessional conduct for a licensee to
25 use any narcotic as defined in section 11000 et seq. of the
26 Health and Safety Code, or dangerous drug as defined in section
27 4210 et seq. of the code, to an extent or in a manner dangerous

1. or injurious to herself, any other person, or the public or to
2 the extent that such use impairs her ability to conduct with
3 safety to the public the practice authorized by her license.

4 7. Section 2762, subdivision (e) of the code provides
5 that it is unprofessional conduct to falsify, or make grossly
6 incorrect, grossly inconsistent, or unintelligible entries in
7 any hospital, patient or other record pertaining to the
8 substances described in section 2762, subdivision (a) of the
9 code.

10 8. Section 2761, subdivision (d), of the code
11 provides that the board may take disciplinary action against a
12 licensed nurse for violating or attempting to violate, directly
13 or indirectly, or assisting in or abetting the violating of, or
14 conspiring to violate any provision or term of chapter 6
15 (nursing) of division 2 (healing arts) of the code or
16 regulations adopted pursuant to it.

17 9. Demerol, a trade name for pethidine, also known as
18 meperidine hydrochloride, is a dangerous drug as defined in
19 section 4211, subdivision (k), of the code and a schedule II
20 controlled substance within the meaning of section 11055,
21 subdivision (c)(14), of the Health and Safety Code, and in
22 Title 21, Code of Federal Regulations, section 1308.12 (c)(14).

23 10. Section 11032 of the Health and Safety Code
24 provides that whenever a reference is made to the term
25 "narcotic" in any provision of the law outside division 10 of
26 the Health and Safety Code (Uniform Controlled Substance Act,
27 §§ 11000 - 11645, inclusive) the term shall be construed to

1 mean controlled substances classified in schedules I and II;
2 said schedules are defined in said division 10.

3 11. Section 11173, subdivision (a) of the Health and
4 Safety Code provides, inter alia, that no person shall obtain
5 or attempt to obtain controlled substances by the falsification
6 of medical records.

7 12. Section 11173, subdivision (b), of the Health and
8 Safety Code provides that no person shall make any false
9 statement in any prescription, order, report or record required
10 by division 10 of the Health and Safety Code.

11 13. Section 11159 of the Health and Safety Code
12 provides that the hospital patient's record shall state the
13 quantity of controlled substances actually administered.

14 14. Section 11170 of the Health and Safety Code
15 provides, in pertinent part, that no person shall administer or
16 furnish a controlled substance for herself.

17 15. Section 11171 of the Health and Safety Code
18 provides that no person shall prescribe, administer or furnish
19 a controlled substance except under the conditions and in the
20 manner provided by division 10 of the Health and Safety Code.

21 16. Section 11350 of the Health and Safety Code
22 provides, in pertinent part, that except as otherwise provided
23 in division 10 of the Health and Safety Code, every person who
24 possesses any controlled substance specified in subdivisions
25 (b) and (c) of section 11055 of the Health and Safety Code,
26 unless upon the prescription of a licensed physician, dentist,
27

1. podiatrist or veterinarian, shall be punished by imprisonment
2. in the state prison.

3. 17. Respondent is subject to disciplinary action
4. pursuant to sections 2750 and 2759 of the code in that she has
5. engaged in unprofessional conduct within the meaning of section
6. 2761, subdivision (a) and (d), and section 2762, subdivisions
7. (a), (b) and (e), of the code in conjunction with sections
8. 11173, subdivisions (a) and (b), 11159, 11170, 11171 and 11350
9. of the Health and Safety Code by obtaining and possessing the
10. narcotic, dangerous drug demerol, a controlled substance, while
11. on duty as a registered nurse for the purpose of administering
12. said drug to herself or to others, without the prescription of
13. a licensed prescriber, by means of making false, grossly
14. incorrect, grossly inconsistent, and/or unintelligible entries
15. in hospital records, and by using said drug in a manner which
16. impaired her ability to safely perform her nursing functions.
17. The circumstances are as follows:

18. A. At all times mentioned hereinafter, respondent was
19. employed as a registered nurse at Los Angeles County-USC
20. Medical Center (hereinafter the "medical center").

21. B. On or about the hereinafter set out dates, while
22. on duty as a registered nurse at said medical center,
23. respondent withdrew, obtained and possessed for the
24. hereinafter set out patients the hereinafter set out
25. amounts of demerol at the hereinafter set out times and
26. signed for said drug on the hereinafter set out Controlled
27. Drug Proof of Use Record sheets.

1.			Dose	Date		
2	<u>Unit</u>	<u>Patient</u>	<u>(mg.)</u>	<u>1980</u>	<u>Time</u>	<u>Sheet No.</u>
3	8	N. Blake	75 mg	3/3	2330	36376
4	9	N. Blake	75 mg	3/3	2330	36376
5	10	J. Maxwell	75 mg	3/3	2330	36376
6	11	J. Maxwell	75 mg	3/3	2330	36376
7	18	J. Maxwell	75 mg	3/3	1800	36376
8	19	J. Maxwell	75 mg	3/3	1800	36376
9	14	C. Hearn	75 mg	3/3	2230	36376
10	15	C. Hearn	75 mg	3/3	2230	36376
11	22	C. Hearn	75 mg	3/3	1815	36376
12	23	C. Hearn	75 mg	3/3	1815	36376
13	16	E. Tate	75 mg	3/3	2200	36376
14	17	E. Tate	75 mg	3/3	2200	36376
15	24	E. Tate	75 mg	3/3	1800	36376
16	25	E. Tate	75 mg	3/3	1800	36376
17	5	M. Klein	75 mg	2/22	2200	28898
18	6	M. Klein	75 mg	2/22	2200	28898
19	23	M. Klein	50 mg	2/22	2100	29288
20	1	J. Park	75 mg	2/30	2000	36027
21	2	J. Park	75 mg	2/30	2000	36027
22	3	J. Park	75 mg	2/29	1600	36027
23	4	J. Park	75 mg	2/29	1600	36027
24				/		
25				/		
26				/		
27				/		

1 C. Respondent failed to chart in each and every of
2 said patients' medical administration records or nurse's
3 notes the administration of all or any part of the drugs
4 respondent signed for in the above referenced Controlled
5 Drug Proof of Use Record sheets.

6 D. In truth and fact, respondent administered the
7 contents of all or a part of each dosage of said drugs to
8 herself or furnished or administered the contents to others,
9 instead of to said patients, without a written prescription
10 by a licensed prescriber, and in violation of law.

11 E. As a direct and proximate result of respondent's
12 diversion of said demerol, and/or other such drugs, to
13 herself as set out hereinabove, respondent was on March 3,
14 1980, at approximately 6:00 p.m. and for several hours
15 thereafter, but not limited to the occasion of said date,
16 under the influence of demerol to an extent rendering her
17 incapable of conducting with safety to the public the
18 practice authorized by her license.

19 WHEREFORE, complainant prays that the board hold a
20 hearing on the matters contained herein and following said
21 hearing issue a decision:

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1. 1. Revoking or suspending license number 301141
2 heretofore issued to Linda L. Draper, R.N., by the board; and
3 2. Taking such other and further action as the board
4 deems proper.

5 DATED: Jan. 21, 1987

6
7 Barbara M. Brusstar
8 BARBARA BRUSSTAR, R.N.
9 Executive Secretary
10 Board of Registered Nursing
11 State of California
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26 Complainant

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